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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,000	05/14/2001	Kilian schuster	15632 US	1245

7590 10/04/2004
William J. Clemens
MacMillan, Sobanski, & Todd, LLC
One Maritime Plaza, Fourth Floor
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Toledo, OH 43604

EXAMINER

HA, LEYNNA A

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 10/04/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten mark resembling a stylized 'P' or 'B' in a circle.

Office Action Summary

Application No.

09/855,000

Applicant(s)

SCHUSTER ET AL.

Examiner

LEYNNA T. HA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-10 have been examined and are rejected under 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Freedman, et al. (US 6,259,805).**

AS PER CLAIM 1:

Freedman, et al. discloses a method of initiating a security procedure within a building having a security system for controlling the security procedure comprising the steps of: **[COL.2, lines 1-5]**

a. generating a virtual key in response to an occurrence of a certain event related to a security procedure in a building; **[COL.7, lines 22-25 and COL.10, line 64 thru COL.11, line 14]**

b. transmitting the virtual key to a selected person; and **[COL.8, lines 49-51 and COL.11, lines 65-67]**

c. initiating the security procedure within the building when the selected person identifies himself with the virtual key to a security system of the building. **[COL.6, lines 5-14]**

AS PER CLAIM 2:

Freedman discusses the method according to claim 1 wherein a certain code is assigned to the virtual key by a selected encryption method. **[COL.9, lines 22-23 and COL.14, lines 4-17]**

AS PER CLAIM 3:

Freedman discusses the method according to claim 1 including adding a signature to the virtual key with which the selected person can identify himself to third parties as an authorized person. **[COL.8, lines 27-28]**

AS PER CLAIM 4:

Freedman discusses the method according to claim 1 wherein a type of the security procedure depends upon a type of certain event. **[COL.10, lines 19-61]**

AS PER CLAIM 5:

Freedman discusses the method according to claim 1 wherein the security procedure controls an elevator in the building. **[COL.10, lines 19-61; the key describes the type of authorization and/or access of a user. Depending on the key, can give many or little access such as to a certain floor or room of the building or able to access the elevator of the particular building.]**

AS PER CLAIM 6:

Freedman discusses the method according to one of claim 1 wherein the selected person to whom the virtual key is transmitted depends upon a type of the certain event. **[COL.10, lines 19-61; the key describes the type of authorization and/or access of a user. Depending on the key, can give many or little access such as to a certain floor or room of the building or able to access the elevator of the particular building.]**

AS PER CLAIM 7:

Freedman discusses the method according to claim 1 including checking whether a previously generated virtual key exists for the selected person and, if so, whether the previously generated virtual key is being used with modification. **[COL.8, lines 4-22]**

AS PER CLAIM 8:

Freedman discusses the method according to claim 1 including checking whether a previously generated virtual key exists and fulfils security

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requirements of the security system and, if necessary, generating a new or augmented virtual key. **[COL.8, lines 4-22]**

AS PER CLAIM 9:

Freedman discusses the method according to claim 1 including checking what means is available to the selected person to identify himself and selecting a suitable one of the available means. **[COL.11, lines 50-60]**

AS PER CLAIM 10:

Freedman discusses the method according to claim 1 wherein the selected person identifies himself when receiving the virtual key. **[COL.10, line 64 thru COL.11, line 14]**

Conclusion

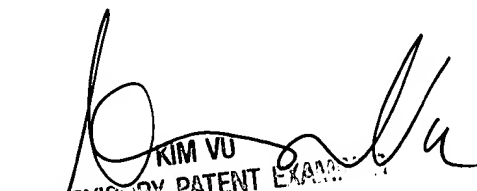
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*****TC 2100 will be moved to Carlyle in October 2004. At this time, any inquiry or communications should be directed to the examiner, LEYNNA HA, whose new telephone number is (571) 272-3851 and the new telephone number for TC 2100 receptionist is 571-272-2100.**

LHa


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100